

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

TRANSCENDENT LIMITED PARTNERSHIP

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:05CV231-P-B

**GREENBELT DEVELOPMENT PARTNERS,
INC., GREENBELT DEVELOPMENT PARTNERS 1,
LLC, JOHN DOE and other UNKNOWN
DEFENDANTS acting in concert with GREENBELT
DEVELOPMENT PARTNERS, INC.,
WILBUR F. HAWKINS, SAMUEL L.
SOCKWELL, CONNIE GAIL SOCKWELL,
W. A. SESLEY, ANNIE R. SESLEY, CECIL ERIC
LINCOLN, ONZIE O. HORNE, JR. and RALPH WAITE,
d/b/a INNER CARE RESIDENTIAL**

DEFENDANTS

ORDER

This cause is before the Court on the plaintiff's Motion to Compel [56]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

That the motion is not well-taken and should be denied as premature. Rule 26(d) of the Federal Rules of Civil Procedure provides in pertinent part: "Except in categories of proceedings exempted from initial disclosure . . . or when authorized under these rules or by order or agreement of the parties, a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)." At a December 16, 2005 hearing, the Court asked counsel whether they had held an attorney conference as required by Rule 26(f); counsel confessed they had not. Accordingly, no discovery may be had absent the agreement of the parties or pursuant to an Order of this Court. The Court can see no reason why this action should not proceed in the usual fashion, with discovery

to commence following an initial Case Management Conference. The parties are free to reach an agreement concerning limited discovery in the interim.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the plaintiff's Motion to Compel [56] is not well-taken and should be, and hereby is, DENIED.

SO ORDERED, this the 20th day of December.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE